

REMARKS

In response to the Office Action mailed November 19, 2003, Applicants amended claims 1 and 7, cancelled claims 5 and 6, and added new claim 59. Claims 1, 3, 4 and 7-59 are presented for examination.

Objection to Claims 3 and 4

The Examiner objected to claims 3 and 4. Applicants amended the claims to obviate this objection, so the objection should be withdrawn.

Rejection of Claims 1, 3-5 and 11-23

The Examiner rejected claims 1, 3-5 and 11-23 under 35 U.S.C. §102(e) as being anticipated by Farakash.¹ As amended, claims 1, 3, 4 and 11-23 cover methods of operating a fuel cell system that include adjusting the temperature of the fuel cell system by adjusting coolant flow through the fuel cell stack, where adjusting coolant flow includes restricting coolant flow through the fuel cell stack. Farakash does not disclose or even suggest such methods. Accordingly, Applicants request reconsideration and withdrawal of the rejection under 35 U.S.C. §102(e).

The Appropriateness of the Present Amendment under 37 C.F.R. § 1.116

Although the Office Action mailed November 19, 2003, was a Final Office Action, Applicants believe the present amendment is appropriate. In the Office Action mailed June 20, 2003, the Examiner indicated that incorporating the limitations of claim 2 into claim 1 would put claim 1 in condition for allowance. Applicants made this amendment to the claim. Then, without comment or explanation, the Examiner appears to have changed his position in this regard by virtue of the fact that the Examiner maintained the rejection of claim 1, even though Applicants had amended claim 1 to include subject that the Examiner previously indicated would put claim 1 into condition for allowance. Thus, Applicants believe they have demonstrated good and sufficient reason for the deletion of subject matter of previously pending claim 2 from claim 1, and for the addition of new claim 59 (which corresponds to originally filed claim 2).

¹ Claim 5 has been cancelled, so the rejection of this claim should be withdrawn.

In the Office Action mailed November 19, 2003, the Examiner indicated that claim 1 would be allowed if the limitations of claim 6 were incorporated into claim 1. Applicants have amended claim 1 to include the limitations of previously pending claim 6. Thus, Applicants believe they have demonstrated good and sufficient reason for the addition of subject matter to claim 1.

Comments on Statement of Reasons for Allowance of Claims 24-58

Applicants acknowledge with appreciation the allowance of claims 24-58. However, regarding the Examiner's statement of reasons for allowance, Applicants also do not necessarily agree with the Examiner's characterization of what the closest references may be or what these references teach. Further, Applicants believe that the subject matter covered by claims 24-58 is not necessarily limited in scope in the manner indicated by the Examiner.

Information Disclosure Statement

Applicants mailed an Information Disclosure Statement (IDS) on September 19, 2003. Applicants submit herewith a copy of the IDS, the corresponding postcard (stamped as received by the USPTO), and the check submitted with the IDS, verifying that it was cashed by the USPTO. However, the PAIR page of the USPTO website indicates that the IDS was not received by the USPTO. Therefore, Applicants are re-submitting herewith the IDS that was previously submitted on September 19, 2003.

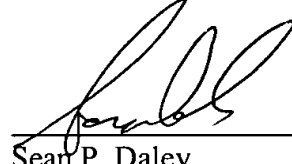
Applicants believe the application is in condition for allowance, which action is requested. Applicants enclose a Petition for a One Month Extension of Time and a check to cover the associated fee. Please apply any charges or credits to deposit account 06-1050.

Applicant : Arne W. Ballantine et al.
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Respectfully submitted,

Date: 2/23/04



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